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SUBJECT: UN GENERAL ASSEMBLY: REPORT OF THE HUMAN RIGHTS
COUNCIL

REF: STATE 128329

¶1. SUMMARY: On Nov. 5-6, UNGA's Third Committee addressed the Human Rights Council's Report and particularly its institution-building package. In introducing the Report, HRC president Costea (Romania) argued that the Council had made progress, faces major challenges, and should only be judged once it has begun fully functioning. General discussion centered on the institution-building package, which many countries praised while some highlighted its shortcomings; the U.S. statement highlighted our serious concerns about the Council, while Israel gave an impassioned criticism of that body and of the UN more broadly. Debate also centered on country-specific mandates and on the relationship between the Council and the Office of the High Commissioner for Human Rights. END SUMMARY

The Institution-Building Package

¶2. The UNGA Third Committee focused Nov. 5-6 on the Report of the Human Rights Council, including its controversial institution-building package. In his introduction of the Report, Council President Doru Costea argued that the council had made some achievements, including by focusing on a wide range of human rights issues (examples cited were primarily thematic). He noted the challenges ahead, including breaking away from the mindset of the Council's predecessor body, the Commission on Human Rights, and posited that the Council should not be judged until it has begun fully functioning.

¶3. Many countries (Portugal, Cuba, Colombia, Republic of Korea, China, Russia, Bangladesh, Malaysia, Ukraine, Brazil, Argentina, Japan, Poland, the Netherlands, Iran, Egypt) urged the Committee to adopt the institution-building package by consensus, without reopening it. Several of those countries (Portugal, UK, Canada and the Netherlands) also criticized the Council for its selective approach and an excessive focus on Israel. Some (UK, Poland and the Netherlands) also criticized the package for having eliminated special mandates on Belarus and Cuba. The U.S. statement (discussed in greater detail in para 9) also included these criticisms. Canada, in addition to criticizing the Council's unbalanced approach, noted its objection to the manner in which the package had been pushed through the Council. In an impassioned statement, Israel sharply criticized the Council, noting that an entire agenda item (Item 7) was devoted exclusively to the "Occupied Palestinian Territories" while all other human rights situations throughout the world were to be addressed within a single agenda item (Item 4). Israel announced it would call for a vote on the package. Responding, Palestine argued that the situation in the Occupied Territories is unique and must have its own agenda item.

Allocation of the HRC Report

14. On Nov. 2 the UNGA General Committee had decided without a vote to recommend to the UNGA plenary that, "for its 62d session" (i.e., the current one), the HRC report be allocated for discussion to the Third Committee. Egypt, Sudan, DRC, Gambia, Jamaica, and the USA (per instructions in reftel) had supported this decision. Uruguay, the UK, Finland, Iceland and Cyprus, who wanted the report allocated directly to the UNGA plenary, had said the decision should state explicitly that it constituted no precedent for future UNGA sessions. On Nov. 5 the UNGA plenary adopted without a vote the General Committee's allocation decision. Liechtenstein, New Zealand, Switzerland and Mexico spoke up, saying the report should have been allocated to the plenary and the decision constituted no precedent for next year's 63d UNGA session. Egypt, however, spoke in support of the General Committee's decision.

15. During the Nov. 5-6 debate in the Third Committee, some countries reiterated their positions on the allocation question. Colombia, Sudan, Malaysia, Bangladesh, India and Indonesia all expressed their support for the General Committee's decision to send the report to the Third Committee. Others, including Switzerland, Portugal on behalf of the EU, Chile, New Zealand, the UK and the Netherlands argued that the report should have been sent directly to the General Assembly plenary or to both the plenary and the Third Committee. Brazil, speaking also for Argentina, stated that it did not consider this year's decision by the General Committee to have set a precedent.

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Country-Specific Resolutions and Mandates

16. Many statements during the Nov. 5-6 debate echoed prior discussions in the Council over whether to preserve country-specific resolutions and mandates. Burma and Egypt argued against country-specific resolutions, calling instead for addressing these issues through the new Universal Periodic Review (UPR), which is to review all UN member states' human rights behavior under the Council's auspices.

17. South Africa also called for the termination of country mandates, arguing they do not enhance human rights on the ground. Malaysia and Iran called for the special mandates to focus on thematic, rather than country-specific issues. The DRC argued that the special mandate holders criticize without providing specific recommendations for action and it suggested in strong terms its dissatisfaction with the mandate on the DRC. China stated that it could not overemphasize the need for caution when proposing country-specific resolutions.

18. France stressed the importance of the special procedures and stated that the mandate of the Council cannot be fulfilled through a thematic approach alone. Portugal argued that the HRC must address specific situations and that the UPR is a complement to, not a substitute for, other mechanisms of the HRC, and called for expansion of the special procedures. Chile agreed, noting that special procedures and country-specific resolutions saved lives in Chile in the 1970s.

19. Cuba called the elimination of the special procedure on Cuba "a homage to the long resistance and the tireless fight of the Cuban people for their independence and is one less pretext for the continuation of the policy of hostility, genocidal blockade and aggressions against the Cuban people." Belarus stated (incorrectly) that in the HRC a minimum number of co-sponsors are required for country-specific resolutions

and called for a similar requirement in the Third Committee.

The Role of the OHCHR

¶10. Egypt and Syria commented on the role of the Office of the High Commissioner for Human Rights (OHCHR). Egypt stated that all attempts by the HCHR to supersede the mandate of the HRC and the Third Committee should be confronted. Syria argued that the OHCHR should be supervised by the HRC.

U.S. Statement

¶11. The U.S. delegate outlined concerns regarding the HRC, including its relentless focus on Israel, the elimination of the Special Mandates on Cuba and Belarus, and the Council's ability to respond to emerging human rights violations. The United States also noted that while the UPR could be a useful tool, it should not replace country-specific actions or mandates. (The full text of the U.S. statement is available at: [www.usunnewyork.usmission.gov/press releases /20071106 292.html](http://www.usunnewyork.usmission.gov/press%20releases/20071106%20292.html).)

Cuba's Reply to the U.S. Statement

¶12. (U) In a right of reply to the U.S. statement, Cuba argued that the United States opposes the HRC to avoid addressing U.S. human rights problems. Cuba alleged that the United States does not wish to stand up to the international scrutiny required when applying for membership in the Council. The Cuban delegate argued that Israel is serving U.S. interests. He also criticized those countries who expressed regret that the special procedure on Cuba was terminated, stating that they are the same countries that detain individuals in secret CIA-run prisons and oppose draft resolutions on secret prisons, enforced disappearances and torture in Guantanamo. He accused the United States of harboring terrorists and claimed the United States seeks to re-conquer Cuba by force.

¶13. (U) The HRC report can be found at www.un.org/ga/third/62/docslist.shtml.
Khalilzad